

ATTACHMENT B

Explanatory Instruction on Transcript Of Tape Recorded Conversation

Members of the Jury:

As you have heard, Exhibit _____ has been identified as a typewritten transcript and translation from *Arabic* into English of the oral conversation that can be heard on the tape recording received in evidence as Exhibit _____. [The transcript also purports to identify the speakers engaged in such conversation.]¹

I have admitted the transcript for the limited and secondary purpose of aiding you in following the content of the conversation as you listen to the tape recording, particularly those portions spoken in Arabic, [and also to aid you in identifying the speakers.]

However, you are specifically instructed that whether the transcript correctly or incorrectly reflects the content of the conversation [or the identity of the speakers] is entirely for you to determine based upon your own evaluation of the testimony you have heard concerning the preparation of the transcript, and from your own examination of the transcript in relation to your hearing of the tape recording itself as the primary evidence of its own contents; and, if you should determine that the transcript is in any respect incorrect or unreliable, you should disregard it to that extent.

Trial Instruction 6, *Eleventh Circuit Pattern Jury Instructions (Criminal Cases)*, 2003.

¹ Mr. Fariz notes that for those translations to which he has stipulated, the stipulation applies only to the translation of the content of the recorded conversation. The stipulation does not apply to the identification of speakers, time, date, and other identifiers on the transcript. Therefore, if it is explained to the jury that any translation was “stipulated,” the jury should be instructed that the stipulation was limited to the contents of the recorded conversation, and did not include the identification of the speakers and other matters.

Explanatory Instruction on Translations of Documents

Members of the Jury:

As you have heard, Exhibit _____ has been identified as a translation from *Arabic* [or *Hebrew*] into English of the *document* received in evidence as Exhibit _____.

You are specifically instructed that whether the *translation* correctly or incorrectly reflects the content of the *document* is entirely for you to determine based upon your own evaluation of the testimony you have heard concerning the preparation of the *translation*; and, if you should determine that the *translation* is in any respect incorrect or unreliable, you should disregard it to that extent.

Modified from Trial Instruction 6, *Eleventh Circuit Pattern Jury Instructions (Criminal Cases)*, 2003.